

EXHIBIT “A”

DECLARATION OF MICHELE FLAVELL

DOC. # 26

EXHIBIT “A”

(Dec # 26)

UNSWORN DECLARATION

Case Reference: DeFranco V. Wolfe, No. CA 04-230 Erie

I, Michele Flavell, make the following statement in regards to my telephone conversations with Bill Barr, the man in charge at the Albion Prison. During the time that Anthony DeFranco was in the hole I had made numerous telephone calls and spoke with Bill Barr. On either the last phone call, or the one before, Bill Barr directly told me in regards to keeping Anthony DeFranco at Albion Prison, rather than transfer him, that "if it were up to him that he (Anthony DeFranco) would be transferred to the central of the state (Rockview) right now." His tone was one of seriousness.

Anthony DeFranco was not transferred due to some program committee at Albion who actually stopped the transfer. Bill Barr was not on Anthony DeFranco's side in staying at Albion, he was against it. However, a few months before this, he was or at least acted like he was, on Anthony DeFranco's side and stated he would help to keep him at Albion due to his mother's heart troubles and family being so close. But in the summer of 2002, Bill Barr was in no way on Anthony DeFranco's side in trying to keep him at Albion. He actually told me that if he had it his way that Anthony would be transferred right now.

I make this Declaration under the penalty of perjury.


Michele Flavell (814) 452-0339

Date: 11-20-04

I have sent copies of this to: U.S. District Courthouse Attorney Generals Office
Clerk's Office, P.O. Box 1820 564 Forbes Ave. Manor
Erie, Pa. 16507 Pgh., Pa. 15219

Honorable Judge Paradise Baxter
17 South Park Row
Erie, Pa. 16501

EXHIBIT “B”

FINAL REVIEW RESPONSES FROM CENTRAL OFFICE

EXHIBIT “B”

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

THE SECRETARY'S OFFICE OF
INMATE GRIEVANCES AND APPEALS

June 30, 2005

Anthony DeFranco, CZ-3518
SCI Smithfield

Re: DC-ADM 804 – Final Review
Grievance No. 114453

Dear Mr. DeFranco:

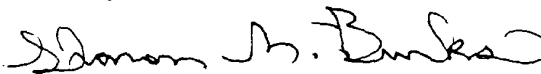
This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective January 3, 2005, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. I have reviewed all documentation provided. Your medical records do not provide sufficient evidence that you have a chronic knee problem which would permit you to receive treatment and medications without having to pay a co-pay.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections' policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,



Sharon M. Burks
Chief Grievance Officer

SMB/kk

cc: Supt. Palakovich
DC-15

Grievance Office
Central File

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

THE SECRETARY'S OFFICE OF
INMATE GRIEVANCES AND APPEALS

July 8, 2005

Anthony DeFranco, CZ-3518
SCI Smithfield

Re: DC-ADM 804 – Final Review
Grievance No. 114216

Dear Mr. DeFranco:

This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective January 3, 2005, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. I have reviewed all documentation provided. The information contained in your medical record does not support your claim that you suffered a panic attack on 3/22/05 because your valium prescription was reduced. There is no indication that you are not receiving appropriate medical treatment. Since you accessed medical care, the co-pay charge was appropriate.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections' policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,



Sharon M. Burks
Chief Grievance Officer

SMB/kk

cc: Supt. Palakovich
DC-15

Grievance Office
Central File

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

THE SECRETARY'S OFFICE OF
INMATE GRIEVANCES AND APPEALS

March 22, 2006

Anthony Defranco, CZ-3518
SCI Albion

Re: DC-ADM 804 – Final Review
Grievance No. 141140

Dear Mr. Defranco:

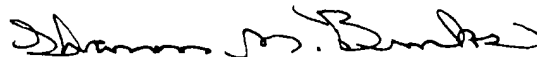
This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective January 3, 2005, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. A review of the record shows that there is no evidence to support your claim that your legal material was shredded. The Library personnel were not aware of any legal correspondence being left in the Library and cannot be held responsible for documents that are in there. Although it is not known whether or not you had legal documents in the Library, it is recommended that you do not leave them anywhere. You should carry your legal correspondence with you. Your request for compensation is denied.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections' policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,



Sharon M. Burks
Chief Grievance Officer

SMB/bw

cc: Supt. Brooks
DC-15

Grievance Office
Central File

EXHIBIT “C”

DECLARATION OF ANTHONY DeFRANCO

EXHIBIT “C”

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,
Petitioner,

V.

WILLIAM WOLFE, et al.,
Defendants.

:
:
:
: No. 04-230-ERIE
: Magistrate Judge Baxter
: District Judge Maurice Cohill, Jr.
:

DECLARATION OF ANTHONY DeFRANCO

I, Anthony DeFranco, make the following Declaration under the penalty of perjury, and made to the best of my information and belief:


1. I am the plaintiff in the above captioned case. I had filed grievanes regarding the removal of my z-code and staff dealings. Those grievances, dated August 25, 2002, December 18, 2002 and others went unresponded to by the Department of Corrections. I was never issued a grievance number so I could not appeal anyone of them. These grievances were also notarized, as reflected by the affidavit submitted, signed by the Notary attached to plaintiff's Response to defendants' motion to dismiss.

2. I did file a grievance on March 8, 2005, challenging the retaliory transfer. That grievance was responded to. I did appeal that decision through final appeal and mailed central office the last piece of paper (amended decision by Brooks) by letter dated May 23, 2005. This is attached to my Amended Complaint. I had done all I could to fully exhaust my grievance and complied completely with the grievance policy.

Signed pursuant to 28 U.S.C. § 1746:

Date:

8/6/06


Anthony DeFranco, plaintiff

Certificate of Service

Service was made by US First Class Mail
this date to Attorney General's Office 564
Forbes Ave., Pgh. Pa. 15219.